

Protection Order Case Information: State & Federal Law, Odyssey Public Access, & the Protection Order Registry

Advisory Task Force on Remote Access to and Privacy of Electronic
Court Records
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Court

A note on terms:

- In civil protection order (PO) cases, the **petitioner** is the complainant/victim
- The **respondent** is the person who is alleged to have committed domestic or family violence, a sex crime, or stalking against the petitioner or the petitioner's family or household member

Under Indiana law, PO cases themselves are not confidential—*But . . .*

- Administrative Rule 9 (G) (2) (g) (i) makes victims' addresses (mail or e-mail), phone numbers, and dates of birth confidential/not accessible to the public. Admin. R. 9 basically allows the public to view only petitioners' names in PO cases.
- *Federal law* is another story.

18 U.S. Code §2265 (d) (3) (enacted 2006)

Limits on Internet Publication of Registration Information.

A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

Trial court PO case information

- We don't post it on mycase.in.gov (<https://public.courts.in.gov/mycase/#/vw/Search>) because of the federal law
- We *do* post respondents' names and case information on the Protection Order Registry (POR), <https://mycourts.in.gov/porp>
- This was a policy decision:
 - By not listing petitioners' names and case information, we comply with federal law
 - Respondents' names and case information are searchable on the Internet in the interest of public safety

What the public can see vs. what law enforcement, courts, & prosecutors can see

- The public cannot view trial court PO case information *online* because of federal law
- Courts, law enforcement, and prosecutors need to be able to see all of this information online, 24/7, however
- Indiana law (Ind. Code 5-2-9-1 et seq.) requires our office to administer the POR, and requires the POR to contain all of the case information—confidential & non-confidential—and to make it accessible to law enforcement, prosecutors, and clerks/court staff
- The POR contains protection orders, no-contact orders, and workplace violence restraining orders
